

## Environmental Protection Agency

## § 180.1035

field, hay; ryegrass, Italian, hay; sorghum, grain, grain; soybean, hay; sudangrass, forage; sudangrass, hay; timothy, forage; timothy, hay; vetch, forage; vetch, hay; and wheat, grain.

(b) Propanoic acid is exempt from the requirement of a tolerance for residues in or on cattle, meat; cattle, meat by-products; goat, meat; goat, meat by-products; hog, meat; hog meat by-products; horse, meat; horse, meat by-products; sheep, meat; sheep meat by-products; and, poultry, fat; poultry meat; poultry meat byproducts; milk, and egg when applied as a bactericide/fungicide to livestock drinking water, poultry litter, and storage areas for silage and grain.

(c) Preharvest and postharvest application of propanoic acid (CAS Reg. No. 79-09-4), propanoic acid, calcium salt (CAS Reg. No. 4075-81-4), and propanoic sodium salt (CAS Reg. No. 137-40-6) are exempted from the requirement of a tolerance on all crops when used as either an active or inert ingredient in accordance with good agricultural practice in pesticide formulations applied to growing crops, to raw agricultural commodities before and after harvest and to animals.

[69 FR 47025, Aug. 4, 2004, as amended at 74 FR 26534, June 3, 2009]

### § 180.1025 Xylene; exemption from the requirement of a tolerance.

Xylene is exempted from the requirement of a tolerance when used as an aquatic herbicide applied to irrigation conveyance systems in accordance with the following conditions:

(a) It is to be used only in programs of the Bureau of Reclamation, U.S. Department of Interior, and cooperating water user organizations.

(b) It is to be applied as an emulsion at an initial concentration not to exceed 750 parts per million.

(c) It is not to be applied when there is any likelihood that the irrigation water will be used as a source of raw water for a potable water system or where return flows of such treated irrigation water into receiving rivers and streams would contain residues of xylene in excess of 10 parts per million.

(d) Xylene to be used as an aquatic herbicide shall meet the requirement limiting the presence of a polynuclear

aromatic hydrocarbons as listed in 21 CFR 172.250.

[38 FR 16352, June 22, 1973, as amended at 50 FR 2980, Jan. 3, 1985]

### § 180.1027 Nuclear polyhedrosis virus of *Heliothis zea*; exemption from the requirement of a tolerance.

(a) For the purposes of this section, the viral insecticide must be produced with an unaltered and unadulterated inoculum of the single-embedded *Heliothis zea* nuclear polyhedrosis virus (HzSNPV). The identity of the seed virus must be assured by periodic checks.

(b) Each lot of active ingredient of the viral insecticide shall have the following specifications:

(1) The level of extraneous bacterial contamination of the final unformulated viral insecticide should not exceed  $10^7$  colonies per gram as determined by an aerobic plate on trypticase soy agar.

(2) Human pathogens, e.g., *Salmonella*, *Shigella*, or *Vibrio*, must be absent.

(3) Safety to mice as determined by an intraperitoneal injection study must be demonstrated.

(4) Identity of the viral product, as determined by the most sensitive and standardized analytical technique, e.g., restriction endonuclease and/or SDS-PAGE analysis, must be demonstrated.

(c) Exemptions from the requirement of a tolerance are established for the residues of the microbial insecticide *Heliothis zea* NPV, as specified in paragraphs (a) and (b) of this section, in or on all agricultural commodities.

[60 FR 42460, Aug. 16, 1995, as amended at 74 FR 26534, June 3, 2009]

### § 180.1033 Methoprene; exemption from the requirement of a tolerance.

Methoprene is exempt from the requirement of a tolerance in or on all food commodities when used to control insect larvae.

[68 FR 34829, June 11, 2003]

### § 180.1035 Pine oil; exemption from the requirement of a tolerance.

Pine oil is exempted from the requirement of a tolerance for residues in

**§ 180.1037**

the raw agricultural commodities honey and honeycomb, when present therein as a result of its use as a deodorant at no more than 12 percent in formulation with the bee repellent butanoic anhydride applied in an absorbent pad over the hive.

Pine oil is exempted from the requirement of a tolerance for residues in the raw agricultural commodities honey and honeycomb, when present therein as a result of its use as a deodorant at no more than 12 percent in formulation with the bee repellent butanoic anhydride applied in an absorbent pad over the hive.

[74 FR 26534, June 3, 2009]

**§ 180.1037 Polybutenes; exemption from the requirement of a tolerance.**

(a) Polybutenes are exempt from the requirement of a tolerance for residues in or on the raw agricultural commodity cotton, undelinted seed when used as a sticker agent for formulations of the attractant gossyplure (1:1 mixture of (Z,Z)- and (Z,E)-7,11-hexadecadien-1-ol acetate) to disrupt the mating of the pink bollworm.

(b) Polybutenes are exempt from the requirement of a tolerance for residues in or on the raw agricultural commodity artichoke when used as a sticker agent in multi-layered laminated controlled-release dispensers of (Z)-11-hexadecenal to disrupt the mating of the artichoke plume moth.

[74 FR 26534, June 3, 2009]

**§ 180.1040 Ethylene glycol; exemption from the requirement of a tolerance.**

Ethylene glycol as a component of pesticide formulations is exempt from the requirement of a tolerance when used in foliar applications to peanut plants.

[43 FR 41393, Sept. 18, 1978]

**§ 180.1041 Nosema locustae; exemption from the requirement of a tolerance.**

The insecticide *Nosema locustae* is exempted from the requirement of a tolerance for residues in or on all raw agricultural commodities.

[47 FR 21537, May 19, 1982]

**40 CFR Ch. I (7-1-10 Edition)**

**§ 180.1043 Gossyplure; exemption from the requirement of a tolerance.**

The pheromone gossyplure, a 1:1 mixture of (Z,Z)- and (Z,E)-7,11-hexadecadien-1-ol acetate) is exempt from the requirement of a tolerance in or on the raw agricultural commodity cotton, undelinted seed when applied to cotton from capillary fibers.

[74 FR 26534, June 3, 2009]

**§ 180.1049 Carbon dioxide; exemption from the requirement of a tolerance.**

The insecticide carbon dioxide is exempted from the requirement of a tolerance when used after harvest in modified atmospheres for stored insect control on food commodities.

[65 FR 33716, May 24, 2000]

**§ 180.1050 Nitrogen; exemption from the requirements of a tolerance.**

The insecticide nitrogen is exempted from the requirements of a tolerance when used after harvest in modified atmospheres for stored product insect control on all food commodities.

[65 FR 33716, May 24, 2000]

**§ 180.1052 2,2,5-trimethyl-3-dichloroacetyl-1,3-oxazolidine; exemption from the requirement of a tolerance.**

2,2,5-trimethyl-3-dichloroacetyl-1,3-oxazolidine is exempted from the requirement of a tolerance when used as an inert ingredient in formulations of the herbicides S-ethyl dipropylthiocarbamate, S-propyl dipropylthiocarbamate, and S-ethyl diisobutylthiocarbamate applied to corn fields before the corn plants emerge from the soil with a maximum of 0.5 pound of the inert ingredient per acre.

[45 FR 51201, Aug. 1, 1980]

**§ 180.1054 Calcium hypochlorite; exemptions from the requirement of a tolerance.**

(a) Calcium hypochlorite is exempted from the requirement of a tolerance when used preharvest or postharvest in solution on all raw agricultural commodities.

(b) Calcium hypochlorite is exempted from the requirement of a tolerance in